

Ruling on Live Streaming Seder, Passover Services and Shabbat Services

(Please read the entire message)

Psak (Conclusion): *Due to the fact that we are living through a Sha'at Dehak, such pressing, challenging and unprecedented times, I believe it is wise to temporarily permit (though not require) the use of Zoom and certain other live streaming technologies, accompanied by specific instructions and limitations, for Passover sederim, Yom Tov (Pesach) services and even for Shabbat services.*

I wrote the following on March 19th about making the decision to allow a *Minyan* for reciting *Kaddish* over Zoom during weekday services:

“One of the most important ways we as Jews seek hope, inspiration, and connection - both with each other and with God - is through prayer and ritual. It is therefore particularly jarring and difficult that we cannot gather in person to pray”.

And I will add at this moment, one week before *Seder*, that perhaps even more emotionally difficult is that we will not be able to gather as we normally do for *Pesach* -- a holiday that carries with it deep religious and familial meaning.

There is a term in Jewish Law for times such as these, when there is a disruption that poses a significant threat and forces us to change our practices. This term is ***Sha'at Dehak*** - a time of great urgency. According to Jewish law, the presiding rabbis have more latitude during such a period in making adjustments to Jewish law, in order to preserve core elements of our practice. It is because we are living through a *Sha'at Dehak* - such a pressing and challenging time - that I believe it is wise to offer the following ruling temporarily permitting the use of Zoom and other live streaming technologies, *accompanied by specific instructions and limitations*, for Passover *sedarim*, Yom Tov (Pesach) services and even for Shabbat services.

In terms of process, I came to this decision after consulting with Rabbi Joel Roth (a personal mentor and the Conservative Movement's preeminent legal scholar); reading the position published by the Committee on Jewish Law and Standards of the Rabbinical Assembly; consulting with my Beth El colleagues; and doing my own research (including reading the position recently published by a group of Sephardic Orthodox rabbis in Israel). I was further influenced to come to this decision by the notion that by allowing Zoom, or certain other technologies (especially for *seder*), there would be less temptation for families to go against the medical directives of separating, as by doing so they could still have *seder* “together”. Therefore this matter has an element of potential *piukuah nefesh* - saving and protecting lives.

I implore you: please continue to follow all of the medical advice that asks us not to gather together in person beyond those with whom we live, to mitigate the spreading of

the virus. Gathering in numbers beyond this should only be done when the health authorities allow it.

In addition, each permission I have granted has a legal rationale. Due to the compressed time frame and for ease of use, I have not provided here all of my in-depth reasoning. I am happy to share my reasoning and answer questions on these matters by e-mail or over the phone with any individual (mschwab@nssbethel.org).

How to Follow the Ruling

I would kindly ask that you read to the end to understand the *halakhicly* acceptable ways of carrying out what I have just permitted. I would also state that this is a permission not a requirement. Any one who does not feel comfortable using these permissions should feel free to follow the more conventional restrictions.

As Rabbi Joshua Heller of the Committee on Jewish Law and Standards wrote:

“The questions of electronics on Shabbat and Yom tov are extremely complex, but we offer this guidance, specific to this year, when multi-family in-person seder gatherings are truly unsafe, and may be forbidden by local law, and many individuals will be isolated from family and community. Furthermore, there are specific leniencies in the laws of Shabbat and yom tov related to one who may be at risk of a life-threatening illness, and many in our community fall into that category this year. As such, this guidance only applies to the current situation and may not apply in future years.”

Specific Guidelines (based on the RA position):

Ideally, the video option should be accessed in a way that does not involve direct interaction with an electronic device, either by leaving the conference active for the duration of use, or using the equivalent of a timer to activate the conference in each location. In a later update we hope to give practical technical guidance on the best way to do this. If this is not possible, ways to minimize, but not eliminate, violations of Shabbat and Yom tov include (in order of preference).

1. Arranging **in advance** for a non-Jewish person to activate the conference.
2. Using a virtual assistant, like Siri or Alexa, to activate the stream by voice alone. Ideally this can be done by a minor.
3. Logging in through a simple press of a button on an app, or clicking a link, on a device which is **already activated**, rather than by typing, and without having to “wake up” or turn on the device. Ideally this can be done by a minor.
4. For the second night of seder: Doing so only **after dark of 2nd day Yom Tov**, when the first day of Yom Tov has ended. The first day is a Biblically mandated Yom Tov and has more significant restrictions.

There is also more leniency to activate the stream in one of these ways for a person who is known to be ill, or has a heightened risk for harm from infection, or suffers from a disability.

***Activating a recording device on Yom Tov or Shabbat is a violation of Shabbat or Yom Tov. Therefore, if a stream is initiated on Yom Tov or Shabbat, it should absolutely be with recording disabled.**

***Typing on a device is a violation of Shabbat, so participants should be encouraged to interact via speech and video, rather than typed messages/text chat, or entering any URL.**

In general, on Shabbat or Yom Tov, we prohibit activities where one might be tempted to perform forbidden labor if something goes wrong. We are aware that that strong temptation will exist to do so if technology fails, and **we urge people to be mindful of ways to limit any violations that might result if that happens, again following the guidelines above in descending order of preference.** One ought not type, or restart, to fix technical problems. We also encourage those who offer a stream to do so in a way that minimizes the types of violations that might be committed by those accessing it. This is similar to the real-life situation where one might invite people to seder who will violate other prohibitions in order to attend.

For Seder: Ideally, there would be a seder plate at each location, but at the very minimum, every participating location should have access to wine or grape juice, three matzahs, carpas (any green vegetable), maror (any bitter vegetable, such as horseradish, endive, other bitter greens), and salt water, if safety permits. If a Haggadah is not physically available, one can follow the seder without one, or a number of haggadot are available that can **bedownloaded and printed before the start of the holiday.**

There are two main types of video presence: multi-way (zoom, facetime, google hangouts) and one-way (facebook live, streamspot). It is possible to fulfill the requirements of the seder alone, or by hearing the liturgy read live by others, so therefore a one-way (streamed) option would suffice, but it would clearly provide more comfort for all participants to be able to interact.

There are specific times set for the seder to take place. If participants are in multiple time zones, the seder should ideally begin so that it is late enough for all involved to fulfill their obligation, or else those for whom it is too early should make sure to perform the key rituals after dark as well.

Passover and Shabbat Services: At this time Beth El plans to offer limited prayer services, likely via some combination of Zoom and Facebook live, both for Yom Tov and Shabbat (we already offer this for weekday services). This will be offered for the following important reasons:

1. So that those saying kaddish can continue to do so even on Shabbat and Yom Tov. Please see my previous ruling for the background on this matter by clicking here (ADD LINK).
2. By the time you are reading this post, we will have already had the building closed for over two weeks and there is no definitive time we will be able to gather again for services. It is too much of a burden for our community and too much of a break in

traditional practice to not hold communal services for what will easily be several more weeks and may total in the months.

3. There are those who have great difficulty fulfilling the positive mitzvah of individual prayer without the support of such communal offerings. By allowing this during these pressing times we will help people fulfill the positive *mitzvah* of prayer.

There are definitely more lenient positions for Yom Tov than Shabbat but if you follow the guidelines presented, during this period of *She'at Dehak*, I have concluded (after consulting with Rabbi Roth), that it is permissible to participate during both Shabbat and Yom Tov in this manner.

These guidelines are specific to this year when there is significant risk to human life and when there has been major disruption, over an extended period of time, to core Jewish practices. To paraphrase the Haggadah for these times, "May we celebrate seder next year, in good health, in physical proximity to our loved ones and, G-d willing, in Jerusalem!"